

1 **REMARKS**

2 Claims 1-26 are amended and claims 1-26 remain in the application for
3 consideration. In view of the following remarks, Applicant traverses the Office's
4 rejections and respectfully requests that the application be forwarded on to
5 issuance.

6
7 **Replacement Specification and Drawings**

8 Two copies of a replacement specification, a marked-up copy and a clean
9 copy, accompany this response. Replacement drawings also accompany this
10 response. In amending the specification and drawings, no new matter has been
11 added.

12
13 **Examiner Communication**

14 Applicant would like to sincerely thank Examiner Chen and Examiner Zhen
15 for their time in discussing this application over the phone on December 12, 2006.
16 During this interview, the § 101 rejections and the § 102(b) rejections were
17 discussed. With regard to the § 101 rejections, the Examiners agreed that the
18 amendments to the claims indicated herein are sufficient to overcome the § 101
19 rejections. With regard to the remaining rejections, the Examiners' comments and
20 suggestions have been considered in crafting this response. Applicant respectfully
21 requests that Examiner Chen contact Applicant's representative to discuss this
22 application before issuing any subsequent rejections.

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1 **Oath/Declaration**

2 The Office alleges that the declaration filed in this application is defective
3 for two reasons. As to the first reason, the Office argues that the declaration fails
4 to provide the domestic priority information concerning any application(s) to
5 which the current application claims priority. However, 37 C.F.R. 1.63 requires
6 that any oath or declaration contain any claims for *foreign* priority, but does not
7 require that the oath or declaration contain claims for *domestic* priority.
8 Accordingly, Applicant submits that this objection to the declaration is improper.

9 The Office further alleges that the name of the second inventor (Micheal
10 Dunn) is misspelled in the declaration. However, the final page of the declaration
11 wherein Micheal Dunn has signed clearly shows the correct spelling of the
12 inventor's name.

13 Accordingly, Applicant submits that the declaration is proper and
14 respectfully requests that the objections to the declaration be withdrawn.

15
16 **Drawings**

17 The drawings are objected to for including certain reference numbers not
18 mentioned in the description. Applicant has either deleted the reference numbers
19 from the drawings or amended the specification to include the reference numbers.
20 In amending the specification, no new matter has been added.

21 The drawings are further objected to for containing certain alleged
22 ambiguities with respect to the specification. The drawings have been amended to
23 overcome these objections. Replacement drawings sheets in compliance with 37
24 C.F.R. 1.121(d) accompany this response. Accordingly, Applicant respectfully
25 requests that the objections to the drawings be withdrawn.

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2 **Specification**

3 The abstract and the disclosure of the specification are objected to for
4 containing certain informalities. A replacement abstract and specification that
5 address these objections are included with this response. In amending the
6 specification and abstract, no new matter has been added. In light of these
7 amendments, Applicant respectfully requests that the objections to the abstract and
8 the specification be withdrawn.
9

10 **§ 112 Rejection**

11 Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph.
12 Applicant has amended the claim to overcome the rejection. Accordingly,
13 Applicant respectfully requests that the rejection under § 112, second paragraph,
14 be withdrawn.
15

16 **§ 101 Rejections**

17 Claims 1-26 stand rejected under 35 U.S.C. § 101 as allegedly being
18 directed to non-statutory subject matter. While Applicant respectfully disagrees,
19 Applicant has nonetheless amended the claims as agreed during the Examiner
20 interview to overcome the rejections. Accordingly, Applicant submits that the
21 claims comply with the requirements of § 101 and respectfully requests that the §
22 101 rejections be withdrawn.
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1 **§ 102 and § 103 Rejections**

2 Claims 1-8, 18-22 and 24 stand rejected under 35 U.S.C. § 102(b) as
3 allegedly being anticipated by U.S. Patent No. 6,381,742 to Forbes, et al.
4 (hereinafter "Forbes").

5 Claims 12, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as allegedly
6 being anticipated by U.S. Patent No. 6,226,747 to Larsson, et al. (hereinafter
7 "Larsson").

8 Claims 9-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being
9 obvious over Forbes in view of U.S. Patent No. 6,496,979 to Chen, et al.
10 (hereinafter "Chen").

11 Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being
12 obvious over Larsson in view of U.S. Patent No. 6,931,546 to Kouznetsov, et al.
13 (hereinafter "Kouznetsov").

14 Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being
15 obvious over Larsson in view of U.S. Patent No. 6,226,747 to Barzilai, et al.
16 (hereinafter "Barzilai").

17 Claim 17 stands rejected under 35 U.S.C. § 103(a) as allegedly being
18 obvious over Larsson in view of Kouznetsov and further in view of Barzilai.

19 Claim 23 stands rejected under 35 U.S.C. § 103(a) as allegedly being
20 obvious over Forbes in view of U.S. Patent No. 6,381,742 to Hornbuckle.

21 Claim 25 stands rejected under 35 U.S.C. § 103(a) as allegedly being
22 obvious over Forbes.

23 Claim 26 stands rejected under 35 U.S.C. § 103(a) as allegedly being
24 obvious over Forbes in view of Kouznetsov.
25

1 **The Claims**

2 **Claim 1** is amended, and as amended recites *one or more computer-*
3 *readable storage media with computer-readable instructions encoded thereon,*
4 *the computer-readable instructions implementing a* software architecture for
5 installing an application on a local computing system, *the software architecture*
6 comprising [added language is indicated in bold italics]:

- 7
- 8 • a component configured to obtain manifest metadata about the
9 application for the purpose of installing the application on the local
10 computing system; and
 - 11 • an application programming interface to access the component,
12 *wherein the application programming interface enables the*
13 *application to be installed on the local computing system without a*
14 *dedicated installation phase during which the application is*
15 *unavailable for use.*

16 In making out the rejection of this claim, the Office argues that its subject
17 matter is anticipated by Forbes. However, Applicant has amended this claim and
18 submits that Forbes fails to disclose or suggest all of this amended claim's recited
19 features.

20 Specifically, Forbes fails to disclose or suggest at least the feature of:

- 21
- 22 • an application programming interface to access the component,
23 *wherein the application programming interface enables the*
24 *application to be installed on the local computing system without a*
25 *dedicated installation phase during which the application is*
26 *unavailable for use.*

27 This feature is simply missing from Forbes. Accordingly, and at least for
28 this reason, Forbes fails to anticipate this claim and this claim is allowable.

1 **Claims 2-3** depend from claim 1 and thus are allowable as depending from
2 an allowable base claim. These claims are also allowable for their own recited
3 features which, in combination with those recited in claim 1, are neither disclosed
4 nor suggested by the reference of record.

5 **Claim 4** is amended, and as amended recites *one or more computer-*
6 *readable storage media with computer-readable instructions encoded thereon,*
7 *the computer-readable instructions implementing a* software architecture for
8 installing an application on a local computing system, *the software architecture*
9 comprising [added language is indicated in bold italics]:

- 11 • a component configured to query the local computing system to
12 determine whether a platform necessary to the application is present
13 on the local computing system; and
- 14 • an application programming interface to access the component,
15 *wherein the application programming interface enables the*
16 *application to be installed on the local computing system without a*
17 *dedicated installation phase during which the application is*
18 *unavailable for use.*

19 In making out the rejection of this claim, the Office argues that its subject
20 matter is anticipated by Forbes. However, Applicant has amended this claim and
21 submits that Forbes fails to disclose or suggest all of this amended claim's recited
22 features.

23 Specifically, Forbes fails to disclose or suggest at least the feature of:

- 24 • an application programming interface to access the component,
25 *wherein the application programming interface enables the*
 application to be installed on the local computing system without a
 dedicated installation phase during which the application is
 unavailable for use.

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2 This feature is simply missing from Forbes. Accordingly, and at least for
3 this reason, Forbes fails to anticipate this claim and this claim is allowable.

4 **Claims 5-11** depend from claim 4 and thus are allowable as depending
5 from an allowable base claim. These claims are also allowable for their own
6 recited features which, in combination with those recited in claim 4, are neither
7 disclosed nor suggested by the references of record. In addition, to the extent that
8 claim 1 is allowable, the further rejection of claims 9-11 over Forbes in view of
9 Chen is not seen to add anything of significance.

10 **Claim 12** is amended, and as amended recites *one or more computer-*
11 *readable storage media with computer-readable instructions encoded thereon,*
12 *the computer-readable instructions implementing a* software architecture for
13 installing an application on a local computing system, *the software architecture*
14 comprising [added language is indicated in bold italics]:

- 15
- 16 • a component configured to determine whether the application is
authorized for installation on the local computing system; and
 - 17 • an application programming interface to access the component,
18 *wherein the application programming interface enables the*
19 *application to be installed on the local computing system without a*
dedicated installation phase during which the application is
unavailable for use.
- 20

21 In making out the rejection of this claim, the Office argues that its subject
22 matter is anticipated by Larsson. However, Applicant has amended this claim and
23 submits that Larsson fails to disclose or suggest all of this amended claim's recited
24 features.

25 Specifically, Larsson fails to disclose or suggest at least the feature of:

- an application programming interface to access the component, wherein the application programming interface enables the application to be installed on the local computing system without a dedicated installation phase during which the application is unavailable for use.

This feature is simply missing from Larsson. Accordingly, and at least for this reason, Larsson fails to anticipate this claim and this claim is allowable.

Claims 13-17 depend from claim 12 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 12, are neither disclosed nor suggested by the references of record.

In addition, to the extent that claim 12 is allowable, the further rejection of claim 13 over Larsson in view of Kouznetsov is not seen to add anything of significance. Likewise, to the extent that claim 12 is allowable, the further rejection of claim 14 over Larsson in view of Barzilai is not seen to add anything of significance. Likewise, to the extent that claim 12 is allowable, the further rejection of claim 17 over Larsson in view of Kouznetsov and further in view of Barzilai is not seen to add anything of significance.

Claim 18 is amended, and as amended recites *one or more computer-readable storage media with computer-readable instructions encoded thereon, the computer-readable instructions implementing a* software architecture for installing an application on a local computing system, *the software architecture* comprising:

- a component configured to determine if a version of the application already exists on the local computing system, and if not, to

download at least one resource associated with the application from a remote location; and

- an application programming interface to access the component, *wherein the application programming interface enables the application to be installed on the local computing system without a dedicated installation phase during which the application is unavailable for use.*

In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Forbes. However, Applicant has amended this claim and submits that Forbes fails to disclose or suggest all of this amended claim's recited features.

Specifically, Forbes fails to disclose or suggest at least the feature of:

- an application programming interface to access the component, *wherein the application programming interface enables the application to be installed on the local computing system without a dedicated installation phase during which the application is unavailable for use.*

This feature is simply missing from Forbes. Accordingly, and at least for this reason, Forbes fails to anticipate this claim and this claim is allowable.

Claims 19-21 depend from claim 18 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 18, are neither disclosed nor suggested by the references of record.

Claim 22 is amended, and as amended recites *one or more computer-readable storage media with computer-readable instructions encoded thereon, the computer-readable instructions implementing a software architecture for*

1 installing an application on a local computing system, *the software architecture*
2 comprising:

- 3 • a component configured to execute the application on the local
4 computing system after a successful determination that any
5 necessary platform for the application is present on the local
6 computing system and sufficient resources to launch the application
7 are present on the local computing system, the resources being
8 associated with the application; and
- 9 • an application programming interface to access the component,
10 *wherein the application programming interface enables the*
11 *application to be installed on the local computing system without a*
12 *dedicated installation phase during which the application is*
13 *unavailable for use.*

14 In making out the rejection of this claim, the Office argues that its subject
15 matter is anticipated by Forbes. However, Applicant has amended this claim and
16 submits that Forbes fails to disclose or suggest all of this amended claim's recited
17 features.

18 Specifically, Forbes fails to disclose or suggest at least the feature of:

- 19 • an application programming interface to access the component,
20 *wherein the application programming interface enables the*
21 *application to be installed on the local computing system without a*
22 *dedicated installation phase during which the application is*
23 *unavailable for use.*

24 This feature is simply missing from Forbes. Accordingly, and at least for
25 this reason, Forbes fails to anticipate this claim and this claim is allowable.

Claims 23-26 depend from claim 22 and thus are allowable as depending
from an allowable base claim. These claims are also allowable for their own

1 recited features which, in combination with those recited in claim 22, are neither
2 disclosed nor suggested by the references of record.

3 In addition, to the extent that claim 22 is allowable, the further rejection of
4 claim 23 over Forbes in view of Hornbuckle is not seen to add anything of
5 significance. Likewise, to the extent that claim 22 is allowable, the further
6 rejection of claim 26 over Forbes in view of Kouznetsov and further in view of
7 Barzilai is not seen to add anything of significance.

8
9 **Conclusion**

10 All of the claims are in condition for allowance. Accordingly, Applicant
11 requests a Notice of Allowability be issued forthwith. If the Office's next
12 anticipated action is to be anything other than issuance of a Notice of Allowability,
13 Applicant respectfully requests a telephone call for the purpose of scheduling an
14 interview.

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16 Respectfully Submitted,

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18 Dated: 4/4/07

By: 

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